

EDWARD H. KUBO, JR. # 2499
United States Attorney
District of Hawaii

RONALD G. JOHNSON # 4532
Assistant U.S. Attorney

JUSTIN B. CLANCY
Special Assistant U.S. Attorney
300 Ala Moana Boulevard, Room 6-100
Honolulu, Hawaii 96850
Telephone: 440-9248
Facsimile: 541-2958
E-Mail: Justin.Clancy@usdoj.gov

Attorneys for Plaintiff,
UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 13 2003

at 11 o'clock and 5 min. A.M.
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GAVIN H. TAKAESU, (01)
SEAN T. NAKAMIYO, (02)
MICHELLE N. COMER, (03)

Defendants.

CR. NO.

INDICTMENT

[H.R.S. § 708-836.5; 18 U.S.C.
§ 2; 18 U.S.C. § 13; 18
U.S.C. § 371; 18 U.S.C. §
1363]

CR03 00080 SOM

INDICTMENT

COUNT 1

The Grand Jury charges that:

From a date unknown to the Grand Jury, up to and
including on or about September 21, 2002, in the District of
Hawaii, GAVIN H. TAKAESU, SEAN T. NAKAMIYO, and MICHELLE N.
COMER, defendants herein, did unlawfully, willfully, and

knowingly combine, conspire, confederate and agree among themselves and each other to commit an offense against the United States as follows: to intentionally and knowingly enter and remain unlawfully in a motor vehicle, at a place within the special maritime and territorial jurisdiction of the United States, with the intent to commit therein a crime against a person and property rights, in violation of Hawaii Revised Statute, Section 708-836.5, and Title 18, United States Code, Section 13; and to willfully and maliciously destroy and injure the personal property of another, at a place within the special maritime and territorial jurisdiction of the United States, in violation of Title 18, United States Code, Sections 1363 and 13.

MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that Defendants would enter the parking lot of the U.S.S. Arizona Memorial, a place within the special maritime and territorial jurisdiction of the United States, with the intent of unlawfully entering motor vehicles, by means of force if need be, stealing the personal property therein, and then selling or pawning said property or keeping it for themselves.

OVERT ACTS

In furtherance of the conspiracy and to achieve the objects thereof, the defendants committed and caused to be committed the following overt acts in the District of Hawaii:

1. On or about September 21, 2002, GAVIN H. TAKAESU, SEAN T. NAKAMIYO, and MICHELLE N. COMER drove together in GAVIN H. TAKAESU's pickup truck to the U.S.S. Arizona Memorial parking lot, located at Pearl Harbor, Hawaii.

2. On or about September 21, 2002, GAVIN H. TAKAESU exited the truck and looked into a yellow 2002 Ford Mustang, the property of Hertz Rental Cars.

3. On or about September 21, 2002, GAVIN H. TAKAESU tried to open to door of the Mustang, but found it to be locked.

4. On or about September 21, 2002, GAVIN H. TAKAESU, SEAN T. NAKAMIYO, and MICHELLE N. COMER drove out of the U.S.S. Arizona Memorial parking lot. They returned minutes later and GAVIN H. TAKAESU parked his truck in front of the Mustang.

5. On or about September 21, 2002, GAVIN H. TAKAESU, SEAN T. NAKAMIYO, and MICHELLE N. COMER exited the truck.

6. On or about September 21, 2002, MICHELLE N. COMER climbed into the bed of the truck. She had on her person a Cobra handheld two way radio.

7. On or about September 21, 2002, GAVIN H. TAKAESU positioned himself next to the driver's side door of the truck, partially obstructing the view of the Mustang to any passers by. He also had on his person a Cobra handheld two way radio.

8. On or about September 21, 2002, with MICHELLE N. COMER and GAVIN H. TAKAESU keeping lookout, SEAN T. NAKAMIYO

attempted to force open the lock of the Mustang. He was unsuccessful.

9. On or about September 21, 2002, SEAN T. NAKAMIYO then used a screwdriver to force open the lock of the Mustang. He entered the vehicle, opened the glove box, and pushed the trunk release mechanism.

10. On or about September 21, 2002, SEAN T. NAKAMIYO damaged the lock of the Mustang while forcibly entering it.

All in violation of Title 18, United States Code, Sections 13 and 371.

Count 2

The Grand Jury further charges that:

On or about September 21, 2002, in the District of Hawaii, at a place within the special maritime and territorial jurisdiction of the United States, namely the U.S.S. Arizona Memorial Parking Lot, GAVIN H. TAKAESU, SEAN T. NAKAMIYO, and MICHELLE N. COMER, defendants herein, did intentionally and knowingly enter and remain unlawfully in a motor vehicle, to wit: a yellow 2002 Ford Mustang, the property of Hertz rental cars, with intent to commit therein a crime against a person and property rights.

All in violation of Hawaii Revised Statute, Section 708-836.5, and Title 18, United States Code, Sections 13 and 2.

Count 3

The Grand Jury further charges that:

On or about September 21, 2002, in the District of Hawaii, at a place within the special maritime and territorial jurisdiction of the United States, namely the U.S.S. Arizona Memorial Parking Lot, GAVIN H. TAKAESU, SEAN T. NAKAMIYO, and MICHELLE N. COMER, defendants herein, willfully and maliciously did destroy and injure the personal property of another, to wit: a yellow 2002 Ford Mustang, the property of Hertz Rental Cars.

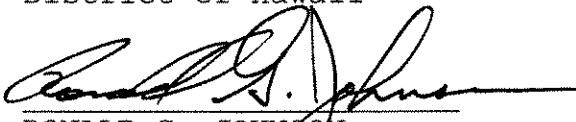
All in violation of Title 18, United States Code, Sections 13, 1363 and 2.

DATED: February 13, 2003, at Honolulu, Hawaii.

A TRUE BILL

151
FOREPERSON, Grand Jury

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii


RONALD G. JOHNSON
Assistant U.S. Attorney


JUSTIN B. CLANCY
Special Assistant U.S. Attorney

UNITED STATES v. GAVIN H. TAKAESU, et al.
CR. NO.
INDICTMENT